

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Datanet LLC,

Plaintiff,

v.

Dropbox Inc.,

Defendant.

Case No. 6:22-CV-01142-OLG

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Datanet LLC (“Datanet” or “Plaintiff”), by and through its attorneys, for its Second Amended Complaint against defendant Dropbox Inc. (“Defendant”) alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 et seq.

2. This action arises from Defendant’s unlicensed use of Datanet’s patented technology in Defendant’s file hosting/backup service called Dropbox. The marketing, testing, importation, use and sale of such product(s) within the United States infringes upon the intellectual property rights of Datanet. This illegal practice will continue unless, and until, the Court puts an end to it.

3. By this action Plaintiff seeks money damages, exemplary damages and attorneys’ fees arising from Defendant’s patent infringement under the Patent Act, 35 U.S.C. §§ 271, 283–285.

PARTIES

4. Plaintiff is a limited liability company formed under the laws of Nevada with a principal place of business located in Colorado.

5. Upon information and belief, Defendant is a company organized under the laws of Delaware with a principal place of business in Austin Texas, located at 501 Congress Ave. Austin, Texas 78701.

JURISDICTION AND VENUE

6. This is an action for infringement against Defendant brought under the Patent Act, 35 U.S.C. § 271 based upon Defendant's unauthorized commercial manufacture, use, testing, importation, offer for sale and sale of its file hosting/backup service called Dropbox which infringes upon United States ("U.S.") Patent Numbers 8,473,478 ("478 Patent), and 9,218,348 ("348 Patent"), and 10,585,850 ("850 Patent).

7. This Court has subject matter jurisdiction over the matters asserted herein under 28 U.S.C. §§ 1331 and 1338(a).

8. This court has personal jurisdiction over Defendant because Defendant has a significant presence in Texas, conducts business throughout the United States, including within the state of Texas, and has committed in this District the acts of patent infringement, and federal and state unfair competition, which have given rise to this action.

9. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) as Defendant has a significant presence in this District, and Defendant has advertised and derived revenue from sales of products to citizens within this District and has engaged in systematic and continuous business contact within this State. Defendant has had and continues to have significant contact with the state of Texas through its U.S. based websites, through U.S. based testing, sales, and distribution of its Dropbox product and services throughout the U.S., and have purposefully availed themselves of Texas' laws.

10. Upon information and belief, Defendant currently operates its principal place of business and occupies at least 60,000 square feet of office space in the facility located at 501 Congress Ave. Austin, Texas 78701.

11. Upon information and belief, a number of Defendant's current and former employees with information relevant to this case reside in the Austin, Texas area.

BACKGROUND

A. Plaintiff's Patented Technology

12. The use and importance of data backup and storage, and cloud storage in particular, have grown tremendously since the year 2000.

13. In 1999, a company called IPCI, Inc. ("IPCI") set out to develop an automated, real-time zero-touch data safety, backup, and recovery software product. It called the project AccuSafe.

14. Unfortunately, the AccuSafe product was never marketed or sold, however, though the development process, IPCI secured a portfolio of patents (the "Patent Portfolio") around the unique technology.

15. On September 20, 2018, IPCI assigned its rights to the Patent Portfolio to Datanet, LLC ("Datanet").

16. At a high level, the Patent Portfolio protects user files and describes systems and techniques for archiving and restoring files.

17. The Patent Portfolio consists of five issued U.S. Patents, U.S. Patent Nos. 8,473,478, 9,218,348, 10,229,123, 10,331,619, and 10,585,850.

18. U.S. Patent No. 8,473,478 (the "'478 Patent") was filed on September 21, 2001 and claims priority to U.S. Provisional Patent Application No. 60/234,221, filed on September 21, 2000.

19. The '478 Patent was granted an extended term through October 1, 2026.

20. U.S. Patent No. 9,218,348 (the "'348 Patent") was filed on June 24, 2013 as a continuation of the '478 Patent.

21. U.S. Patent No. 10,585,850 (the "'850 Patent") was filed on December 15, 2015 as a continuation of the '348 Patent.

22. The '850 Patent was granted an extended term through June 25, 2024.

23. U.S. Patent No. 10,229,123 (the “‘123 Patent”) was filed on October 20, 2017 as a continuation of U.S. Patent No. 10,585,850.

24. U.S. Patent No. 10,331,619 (the “‘619 Patent”) was filed as a continuation of U.S. Patent No. 10,585,850.

25. Before the development of the AccuSafe project, file backup procedures (manual backup, schedule-based backup, and mirroring) were lacking in important ways, including: (1) they were complex or confusing for users, (2) they did not record all the changes made and often could not be reversed, and (3) they required the backup medium to be available at the time of backup.

26. The Datanet Patent Portfolio provides significant advantages to the previous file backup systems by providing, *inter alia*: (1) the ability to archive files, or portions of the files, in close proximity of time to opening, closing, or saving the files, allowing for timely and full backup for later recovery, (2) the ability to store files (or portions of files) for remote or cloud backup when the storage location becomes available, and (3) the ability to preview prior versions of a file before restoring a prior version, so that only desired backup versions of the files are restored.

27. The claims of the Datanet portfolio are directed to improvements in computer functionality when applied to data storage, and address the failings that are unique to data storage networked environments. The Specifications of the patents in suit disclose that the inventions relate to computer-specific improvements, viz. “file preservation, file capture, file management, and file integrity techniques for computing devices,” and address computer-specific problems that arise given the ever-changing networked-data environment, through “captur[ing] files just before and/or just after the files are changed,” “hav[ing] an imperceptible impact on system performance from the user’s point of view,” and “captur[ing] and stor[ing] files even when there is no connection to the desired storage location ... [and/or] when the desired storage location is unavailable.”

28. The '478 Patent solution improves computer functionality over prior data storage approaches because it optimizes the use of various storage locations to capture changes to files in real time (or near real time), along with database(s) to track the movement of the files between the storage locations, so that previous versions of file(s) can be efficiently retrieved and restored, without overburdening the network resources in the process.

29. The claims of the '478 patent recite specific interactions between hardware and software computer components to accomplish the data backup and storage, and through these interactions, the computer functionality is improved. The inventions claimed in the '478 patent save user's time, computer resources, and network bandwidth over prior approaches.

30. The '348 Patent solution improves computer functionality over prior data storage approaches because it optimizes the use of various storage locations to capture changes to files in real time (or near real time), along with database(s) to track the movement of the files between the storage locations, so that previous versions of file(s) can be efficiently retrieved and restored, without overburdening the network resources in the process.

31. The claims of the '348 patent recite specific interactions between hardware and software computer components to accomplish the data backup and storage, and through these interactions, the computer functionality is improved. The inventions claimed in the '348 patent save user's time, computer resources, and network bandwidth over prior approaches.

32. The '850 Patent solution improves computer functionality over prior data storage approaches because it optimizes the use of various storage locations to capture changes to files in real time (or near real time), along with database(s) to track the movement of the files between the storage locations, so that previous versions of file(s) can be quickly previewed before being efficiently retrieved and restored, all without overburdening the network resources in the process.

33. The claims of the '850 patent recite specific interactions between hardware and software computer components to accomplish the data backup, presentation of previews, and the storage of such, and through these interactions, the computer functionality is improved. The inventions claimed in the '850 patent save user's time, computer resources, and network

bandwidth by avoiding the restoration of an unwanted previous version. The technique of previewing multiple previous versions prior to restoring from network storage was not conventional and was not well-understood at the time of the invention.

B. Defendant's Infringement of the Asserted Patents

34. Defendant was founded in 2007.

35. Defendant launched its flagship service called Dropbox to the public in September of 2008.

36. Dropbox describes its product as “one place to keep life organized and keep work moving.”

37. Dropbox is a file storage system that provides large blocks of encrypted cloud storage space to for its users to store and/or backup all of their content.

38. Dropbox uses the inventions claimed in the '348, '478 and '850 Patents to provide file backup capabilities to more than 700 million users.

39. More than half of Defendant's revenue comes from U.S.-based users.

40. Upon information and belief, in 2021, Dropbox generated \$2,100,000,000 in revenue.

41. Dropbox provides users with the ability to archive files in close proximity of time to opening, updating, closing, or saving them.

42. Dropbox's “computer backup” feature is marketed by Defendant as “the perfect hub for all things home and work.”

43. Dropbox provides storage space to each user to save files into.

44. Dropbox stores more than 90% of its user data on Defendant's own custom-built storage infrastructure.

45. Dropbox maintains servers for storage of its user data located in Austin, Texas.

46. Dropbox provides branded sharing that archives files with user changes in close proximity of time to opening, updating, closing, or saving them.

47. Dropbox provides users with the ability to store files for remote backup when storage media becomes available.

48. Dropbox protects user files from “unwanted edits, deletions, hackers, and viruses by restoring or recovering files in each Dropbox account for up to 30 days.”

49. Dropbox provides users with the ability to preview prior versions of a file before restoring it.

50. Dropbox provides users with a viewer history.

51. Dropbox markets a 180-day version history for users to select from when backing up and/or storing files.

FIRST CLAIM FOR RELIEF

(Infringement of the '478 Patent – 35 U.S.C. §271)

52. Plaintiff hereby incorporates by reference and realleges the foregoing paragraphs as if fully set forth herein.

53. Plaintiff is the current exclusive owner and assignee of all right, title, and interest in and to the '478 Patent titled “Automatic Real-Time File Management Method and Apparatus”.

54. The '478 Patent was duly and legally issued by the United States Patent and Trademark Office on June 25, 2013.

55. Plaintiff owns all rights to the '478 Patent including the right to bring this suit for damages.

56. A true and correct copy of the '478 patent is attached hereto as Exhibit A.

57. The '478 Patent is valid and enforceable.

58. Defendant has directly and indirectly infringed the '478 patent by making, using, testing, selling, offering for sale, and/or importing into the United States, without authority, products, methods performed by and/or attributable to equipment, and or services that practice one or more claims of the '478 Patent, including but not limited to its Dropbox file hosting product and services.

59. As a non-limiting example, Defendant has infringed Claims 1, 2, 3, 5, 6, 8, 9, 10 and 11 of the '478 Patent. Defendant, without authorization from Plaintiff, has marketed, used, tested, offered for sale, sold, and/or imported into the U.S., including within this District, its Dropbox file hosting service that infringes at least Claims 1, 2, 3, 5, 6, 8, 9, 10 and 11 of the '478 Patent.

60. As a non-limiting example, set forth below (with claim language in italics) is a description of infringement of exemplary Claims 1 and 6 of the '478 Patent in connection with Dropbox. This description is based on publicly available information. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about Dropbox that it obtains during discovery.

Claim 1.

<p><i>Claim 1. In a computing device, a method for archiving files comprising:</i></p>	<p>Defendant advertises its Dropbox service as an archiving (file storage) and file retrieval (sharing) service. The Dropbox service monitors the Dropbox folder on your computer and the Dropbox mobile app. If there's a change – a new file or folder, or an edit to an existing file of folder – Dropbox will automatically sync those changes. No manual uploading or downloading is required. https://help.dropbox.com/installs-integrations/sync-uploads/syncing-between-computers. The method steps for archiving files using Dropbox are performed on or by a computing device such as a computer or handheld phone.</p>
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<p><i>detecting an instruction by an operating system to perform an operation on an operating file;</i></p>	<p>Dropbox monitors changes made in files, and upon detecting a change in a file, Dropbox provides an instruction to save the modifications to the file.</p> <p>Dropbox detects the instruction to change/save the file.</p>
<p><i>creating an archive file from the operating file and storing the archive file in a temporary first storage location temporally proximate to the operation being performed on the operating file and responsive to detecting the instruction;</i></p>	<p>After detection of, and in response to the instruction to save the file, which occurs as soon as or shortly after a change in the file is made, a portion or all of the file processed to create an archive file which is saved to a cache. The archive file is temporarily stored in the cache as a first temporary storage location.</p> <p>https://blogs.dropbox.com/tech/2014/07/streaming-file-synchronization.</p> <p>https://serverfault.com/questions/52861/how-does-dropbox-version-upload-large-files.</p> <p>https://help.dropbox.com/installs-integrations/desktop/cache-folder.</p>
<p><i>searching the first temporary storage location for the archive file responsive to the occurrence of a first event; and</i></p>	<p>After storing the archive file to the cache (first temporary storage location), Dropbox instructs itself, or is provided a message from the Dropbox service, or a message from a timer (a first event), to search the cache for the archive file and to then send a message to Dropbox that identifies the presence of the archive file in the cache.</p>

	<p>https://blogs.dropbox.com/tech/2014/07/streaming-file-synchronization.</p>
<p><i>moving the archive file to a second storage location responsive to a second event, the second storage location being a permanent storage location;</i></p>	<p>After Dropbox determines (second event) if the archive file is different than what it already has saved on the Block Storage Server (second and permanent storage location), the archive file is moved to the Block Storage Server for permanent storage in response to the determination (second event).</p>
<p><i>after storing the archive file in the first temporary storage location, updating a database to indicate that the archive file is located in the first temporary storage location;</i></p>	<p>Dropbox utilizes a number of databases to track movement of files. Examples include sync_history.db database that details synchronization history containing file names, actions, directions and timestamps, the filecache.dbx database that stores details about files that have been or will be saved to the Block Storage Server, and other databases such as, upon information and belief, the Avatacache.db, sync_engine.db, and the home.db databases to track updates to information in the archive process. The information in the databases identified is confidential and not accessible to the public.</p> <p>After storing the archive file in the cache, Dropbox updates a database, upon information and belief at least the sync_history.db database, filecache.dbx database, the Avatacache.db,</p>

	sync_engine.db, and/or the home.db databases, to indicate that the archive file is located in the cache.
<i>determining a final destination for the archive file;</i>	Dropbox determines if any new archived files exist and if so, determines where to specifically store the archive file within the Block Storage Server (a final destination).
<i>moving the archive file from the first temporary storage location to an intermediate storage location;</i>	Dropbox moves the archive file from the cache to an output buffer, a Local Cache, an External Cache, another user's computer, or an Intermediary Server (intermediate storage location); before it moves the archive file into its final destination in the Block Storage Server.
<i>updating the database to indicate that the archive file is located in the intermediate storage location; and</i>	Dropbox utilizes a number of databases to track movement of files. Examples include sync_history.db database that details synchronization history containing file names, actions, directions and timestamps, the filecache.dbx database that stores details about files that have been or will be saved to the Block Storage Server, and other databases such as, upon information and belief, the Avatacache.db, sync_engine.db, and the home.db databases to track updates to information in the archive process. The information in the databases identified is confidential and not accessible to the public.

	<p>After moving the archive file to the intermediate storage location (output buffer, the Local Cache, the External Cache, another user’s computer, or the Intermediary Server), Dropbox updates a database, upon information and belief at least the sync_history.db database, the filecache.dbx database, the Avatarchive.db, sync_engine.db, and/or the home.db databases to indicate that the archive file is located in the intermediate storage location (output buffer, the Local Cache, the External Cache, another user’s computer, or the Intermediary Server).</p>
<p><i>after moving the archive file to the second storage location, updating the database to indicate that the archive file is located in the second storage location.</i></p>	<p>Dropbox utilizes a number of databases to track movement of files. Examples include sync_history.db database that details synchronization history containing file names, actions, directions and timestamps, the filecache.dbx database that stores details about files that have been or will be saved to the Block Storage Server, and other databases such as, upon information and belief, the Avatarchive.db, sync_engine.db, sync_engine.db, and the home.db databases to track updates to information in the archive process. The information in the databases identified is confidential and not accessible to the public.</p>

	<p>After moving the archive file to the Block Storage Server, Dropbox updates a database, upon information and belief at least the sync_history.db database, the filecache.dbx database, the Avatarcache.db, sync_engine.db, and/or the home.db databases to indicate that the archive file is located in the Block Storage Server.</p>
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Claim 6.

<p><i>An article of manufacture comprising a non-transitory computer useable medium having computer readable code for performing the method of claim 1.</i></p>	<p>Defendant hosts a computer server storing a computer executable application (called Dropbox) that has computer readable code that performs the steps of claim 1, as detailed above. (dropbox.com/download). Once the computer program is installed, the user has the Dropbox app, a Dropbox icon in the user's system tray/menu bar, and a Dropbox folder on the user's computer. Any file changes the user makes while using the Dropbox service are automatically synced to the user's account on dropbox.com.</p> <p>https://help.dropbox.com/installs-integrations/desktop/download-dropbox</p>
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61. As described above, Defendant's products or services (Dropbox) infringe the '478 Patent. The Dropbox product/service consists of software and hardware components that interact and infringe the '478 Patent, and such software and hardware components are a material part of

the claimed invention of the '478 Patent directed to data backup and retrieval. The Dropbox software and hardware components are not a staple article of commerce and lack a substantial non-infringing use (their ordinary and intended use is data backup and retrieval, which infringes as shown above). Plaintiff alleges that when the Dropbox software and hardware components are used in their ordinary and intended fashion, they will necessarily infringe the asserted claims.

62. Defendant's Dropbox service includes a program which can be installed on a computer.

63. Defendant's Dropbox program detects instructions to perform operation(s) on files.

64. When an instruction is detected, Defendant's Dropbox program creates an archived version of the file being stored or modified and stores the archive file in a temporary storage location.

65. Defendant's Dropbox service records in a database the location of the archived file in the temporary storage location.

66. Later, the archived file is moved to a second storage location.

67. Defendant's Dropbox service records in a database the location of the archived file in the second storage location.

68. Defendant has actual knowledge of Plaintiff's rights in the '478 Patent and details of Dropbox's infringement of the '478 Patent based on at least the filing and service of the original Complaint (Dkt. 1).

69. By the foregoing acts, including its testing and use of Dropbox, Defendant has directly infringed, literally and/or under the doctrine of equivalents, the '478 Patent in violation of 35 U.S.C. § 271.

70. Defendant has knowledge of the '478 Patent at least as of the filing and service of the original Complaint (Dkt. 1) in this case and continues to make, use, sell and offer for sale the accused products and or services. Defendant indirectly infringes the '478 Patent by active inducement under 35 U.S.C. § 271(b) and/or § 271(f). Despite being put on notice of its

infringement as at least as early as the filing and service of the original Complaint (Dkt. 1) in this case, Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import accused products and/or services. Defendant has done so by acts including but not limited to selling accused products and/or services to its customers; marketing accused products and/or services; and providing instructions, technical support, and other support and encouragement (available at [{bidmatchtype}&_ad=481049217537|c&gclid=CjwKCAjwsfuYBhAZEiwA5a6CDH7LWOF0sZYd2pMawabmS6TO2QU2HCVxyiQo6Rm-KYIsFjTNRFr3phoCpJAQAvD_BwE](https://www.dropbox.com/features/cloud-storage/computer-backup?tk=paid_sem_goog_indv_b&camp=1520910855&kw=dropbox%20computer%20backup), or <https://help.dropbox.com/delete-restore/recover-older-versions>, or <https://learn.dropbox.com/self-guided-learning/dropbox-fundamentals-course/>, for instance) for the use of accused products and/or services to provide data back up and retrieval, with knowledge of the accused products and/or services infringement of the '478 Patent. Such conduct by Defendant was specifically intended to and actually resulted in direct infringement, including the making, using, testing, selling, offering for sale, and/or importation of accused products and/or services in the United States. Dropbox has knowledge at least as early as the filing and service of the original Complaint (Dkt. 1) in this case that its Dropbox product/service is especially made to infringe the '478 Patent as it is made specifically to perform infringing data backup and retrieval as claimed in the '478 Patent. Defendant's continued sales and instructions to customers to use its Dropbox product/service is willful infringement as such infringement is being instructed and thus conducted with full knowledge of the '478 Patent. Based at least on Plaintiff's infringement allegations in the Original Complaint (Dkt. 1), Dropbox knew or should have known that its conduct is infringing the '478 Patent and Dropbox is acting with specific intent to infringe the '478 Patent and to induce and contribute to the infringement of the '478 Patent by others.

71. Defendant has knowledge of the '478 Patent at least as of the filing and service of the original Complaint (Dkt. 1) in this case and continues to make, use, sell and offer for sale the accused products and or services. Defendant indirectly infringes by contributing to the infringement of, and continuing to contribute to the infringement of, one or more claims of the '478 Patent under 35 U.S.C. § 271(c) and/or 271(f) by selling, offering for sale, and/or importing into the United States, the accused products and/or services. Defendant knows at least as of the date of the filing and service of the original Complaint (Dkt. 1) in this case that the accused products and/or services include hardware components and software instructions that work in concert to perform specific, intended functions. Such specific, intended functions, carried out by these hardware and software combinations, are a material part of the inventions of the '478 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

72. Upon information and belief, Defendant's infringement at least as of the filing and service of the original Complaint (Dkt. 1) in this case has, and continues to be, knowing, intentional and willful.

73. Defendant's acts of infringement of the '478 Patent has caused, and will continue to cause, Plaintiff damages for which Plaintiff is entitled to compensation pursuant to 35 U.S.C. § 284. s

74. Upon information and belief, Defendant has gained profits by virtue of its infringement of the '478 Patent.

75. The circumstances surrounding Defendant's infringement are exceptional and, therefore, Plaintiff is entitled to an award of attorney's fees pursuant to 35 U.S.C. § 285.

SECOND CLAIM FOR RELIEF

(Infringement of the '348 Patent – 35 U.S.C. §271)

76. Plaintiff hereby incorporates by reference and realleges the foregoing paragraphs as if fully set forth herein.

77. Plaintiff is the current exclusive owner and assignee of all right, title, and interest in and to the '348 Patent titled "Automatic Real-Time File Management Method and Apparatus".

78. The '348 Patent was duly and legally issued by the United States Patent and Trademark Office on December 22, 2015.

79. Plaintiff owns all rights to the '348 Patent including the right to bring this suit for damages.

80. A true and correct copy of the '348 Patent is attached hereto as Exhibit B.

81. Before its expiration, the '348 Patent was valid and enforceable.

82. Defendant has directly and indirectly infringed the '348 patent by making, using, testing, selling, offering for sale, and/or importing into the United States, without authority, products, methods performed by and/or attributable to equipment, and or services that practice one or more claims of the '348 Patent, including but not limited to its Dropbox file hosting product and services.

83. As a non-limiting example, Defendant has infringed Claims 1, 3, 4, 5, 6, 8, 10, 11, 12 – 20, 23, 24, and 26 – 31 of the '348 Patent. Defendant, without authorization from Plaintiff, has marketed, used, tested, offered for sale, sold, and/or imported into the U.S., including within this District, its Dropbox file hosting service that infringes at least Claims 1, 3, 4, 5, 6, 8, 10, 11, 12 – 20, 23, 24, and 26 – 31 of the '348 Patent.

84. As a non-limiting example, set forth below (with claim language in italics) is a description of infringement of exemplary Claims 15 and 29 of the '348 Patent in connection with Dropbox. This description is based on publicly available information. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about Dropbox that it obtains during discovery.

Claim 15

<p><i>A method for archiving files, comprising of steps (a) to (d) following:</i></p>	<p>Defendant advertises its Dropbox service as an archiving (file storage) and file retrieval (sharing) service. The Dropbox service monitors the Dropbox folder on your computer and the Dropbox mobile app. If there's a change – a new file or folder, or an edit to an existing file or folder – Dropbox will automatically sync those changes. No manual uploading or downloading is required. https://help.dropbox.com/installs-integrations/sync-uploads/syncing-between-computers. The method steps for archiving files using Dropbox are performed on or by a computing device such as a computer or handheld phone.</p>
<p><i>(a) the step of detecting an instruction by a resident program in a computing device for performing an operation on an operating file;</i></p>	<p>Dropbox monitors changes made in files, and upon detecting a change in a file, Dropbox provides an instruction to save the modified file. In response to detecting the instruction to save the file, Dropbox performs an operation on the file, such as breaking the operating file into blocks using an algorithm.</p>
<p><i>(b) the step of creating an archive file from the operating file and storing the archive file in a temporary storage location temporally proximate to the operation being performed on the</i></p>	<p>After detection of, and in response to the instruction to save the file, which occurs as soon as or shortly after a change in the file is made, a portion or all of the file is processed to create an archive file, which is saved to a cache. The</p>

<p><i>operating file and responsive to detecting the instruction;</i></p>	<p>archive file is temporarily stored in a cache (first temporary storage location).</p> <p>https://blogs.dropbox.com/tech/2014/07/streaming-file-synchronization.</p> <p>https://serverfault.com/questions/52861/how-does-dropbox-version-upload-large-files.</p> <p>https://help.dropbox.com/installs-integrations/desktop/cache-folder.</p>
<p><i>(c) the step of identifying presence of the archive file in the temporary storage location responsive to the occurrence of a first event; and</i></p>	<p>After storing the archive file to the cache (first temporary storage location), Dropbox instructs itself, or is provided a message from the Dropbox service, or a message from a timer (a first event), to search the cache for the archive file and to then send a message to Dropbox that identifies the presence of the archive file in the cache.</p> <p>https://blogs.dropbox.com/tech/2014/07/streaming-file-synchronization.</p>
<p><i>(d) the step of transmitting the archive file to a second storage location responsive to a second event, the second storage location being an intermediate or a permanent storage location, wherein the first event is different from the second event.</i></p>	<p>After Dropbox determines if the archive file is different than what it already has saved, the archive file is then transmitted to an output buffer, a Local Cache, an External Cache, an Intermediary Server (intermediate storage location), or to the Block Storage Server (permanent storage) in response to the determination (second event).</p>

Claim 29

<p><i>A non-transitory computer readable medium comprising program instruction for performing the method of claim 15.</i></p>	<p>Defendant hosts a computer server storing a computer executable application (called Dropbox) that has computer readable code that performs the method steps of claim 15, as detailed above (dropbox.com/download). Once the computer program is installed, the user has the Dropbox app, a Dropbox icon in the user's system tray/menu bar, and a Dropbox folder in the user's computer. Any file changes the user makes while using the Dropbox service are automatically synced to the user's account on dropbox.com.</p> <p>https://help.dropbox.com/installs-integrations/desktop/download-dropbox</p>
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85. As described above, Defendant's products or services infringe the '348 Patent. The Dropbox product/service consists of software and hardware components that interact and infringe the '348 Patent, and such software and hardware components are a material part of the claimed invention of the '348 Patent directed to data backup and retrieval. The Dropbox software and hardware components are not a staple article of commerce and lack a substantial non-infringing use (their ordinary and intended use is data backup and retrieval, which infringes as shown above). Plaintiff alleges that when the Dropbox software and hardware components are used in their ordinary and intended fashion, they will necessarily infringe the asserted claims.

86. Defendant's Dropbox service includes a program which can be installed on a computer or computing device.

87. Defendant's Dropbox program detects instructions to perform operation(s) on operating files.

88. When an instruction is detected, Defendant's Dropbox program creates an archived version of the file being modified and stores the archived file in a temporary storage location.

89. Later, the archived file is moved to another storage location.

90. Defendant has actual knowledge of Plaintiff's rights in the '348 Patent and details of Dropbox's infringement of the '348 Patent based on at least the filing and service of the original Complaint (Dkt. 1).

91. By the foregoing acts, including its testing and use of Dropbox, Defendant has directly infringed, literally and/or under the doctrine of equivalents, the '348 Patent in violation of 35 U.S.C. § 271.

92. Defendant has knowledge of the '348 Patent at least as of the filing and service of the original Complaint (Dkt. 1) in this case and continues to make, use, sell and offer for sale the accused products and or services. Defendant indirectly infringes the '348 Patent by active inducement under 35 U.S.C. § 271(b) and/or § 271(f). Despite being put on notice of its infringement as at least as early as the filing and service of the original Complaint (Dkt. 1) in this case, Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, test, sell, offer for sale and/or import accused products and/or services. Defendant has done so by acts including but not limited to selling accused products and/or services to its customers; marketing accused products and/or services; and providing instructions, technical support, and other support and encouragement (available at

[{bidmatchtype}&_ad=481049217537|c&gclid=CjwKCAjwsfuYBhAZEiwA5a6CDH7LWOF0sZYd2pMawabmS6TO2QU2HCVxyiQo6Rm-KYIsFjTNRFr3phoCpJAQAvD_BwE](https://www.dropbox.com/features/cloud-storage/computer-backup?_tk=paid_sem_goog_indv_b&_camp=1520910855&_kw=dropbox%20computer%20backup), or <https://help.dropbox.com/delete-restore/recover-older-versions>, or

<https://learn.dropbox.com/self-guided-learning/dropbox-fundamentals-course/>, for instance) for the use of accused products and/or services to provide data back up and retrieval, with knowledge of the accused products and/or services infringement of the '348 Patent. Such conduct by Defendant was specifically intended to and actually resulted in direct infringement, including the making, using, testing, selling, offering for sale, and/or importation of accused products and/or services in the United States. Dropbox has knowledge at least as early as the filing and service of the original Complaint (Dkt. 1) in this case that its Dropbox product/service is especially made to infringe the '348 Patent as it is made specifically to perform infringing data backup and retrieval as claimed in the '348 Patent. Defendant's continued sales and instructions to customers to use its Dropbox product/service is willful infringement as such infringement is being instructed and thus conducted with full knowledge of the '348 Patent. Based at least on Plaintiff's infringement allegations in the Original Complaint (Dkt. 1), Dropbox knew or should have known that its conduct is infringing the '348 Patent and Dropbox is acting with specific intent to infringe the '348 Patent and to induce and contribute to the infringement of the '348 Patent by others.

93. Defendant has knowledge of the '348 Patent at least as of the filing and service of the original Complaint (Dkt. 1) in this case and continues to make, use, sell and offer for sale the accused products and or services. Defendant indirectly infringes by contributing to the infringement of, and continuing to contribute to the infringement of, one or more claims of the '348 Patent under 35 U.S.C. § 271(c) and/or 271(f) by selling, offering for sale, and/or importing into the United States, the accused products and/or services. Defendant knows by at least the date of the filing and service of the original Complaint (Dkt. 1) in this case that the accused products and/or services include hardware components and software instructions that work in concert to perform specific, intended functions. Such specific, intended functions, carried out by these hardware and software combinations, are a material part of the inventions of the '348 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

94. Upon information and belief, Defendant's infringement at least as of the filing and service of the original Complaint (Dkt. 1) in this case has, and continues to be knowing, intentional and willful.

95. Defendant's acts of infringement of the '348 Patent has caused Plaintiff damages for which Plaintiff is entitled to compensation pursuant to 35 U.S.C. § 284.

96. Upon information and belief, Defendant has gained profits by virtue of its infringement of the '348 Patent.

97. The circumstances surrounding Defendant's infringement are exceptional and, therefore, Plaintiff is entitled to an award of attorney's fees pursuant to 35 U.S.C. § 285.

THIRD CLAIM FOR RELIEF

(Infringement of the '850 Patent – 35 U.S.C. §271)

98. Plaintiff hereby incorporates by reference and realleges the foregoing paragraphs as if fully set forth herein.

99. Plaintiff is the current exclusive owner and assignee of all right, title, and interest in and to the '850 Patent titled "Automatic Real-Time File Management Method and Apparatus".

100. The '850 Patent was duly and legally issued by the United States Patent and Trademark Office on March 10, 2020.

101. Plaintiff owns all rights to the '850 Patent including the right to bring this suit for damages.

102. A true and correct copy of the '850 patent is attached hereto as Exhibit C.

103. The '850 Patent is valid and enforceable.

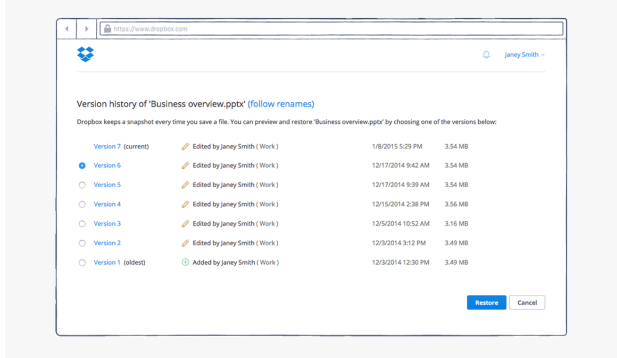

104. Defendant has directly and indirectly infringed the '850 patent by making, using, testing, selling, offering for sale, and/or importing into the United States, without authority, products, methods performed by and/or attributable to equipment, and or services that practice one or more claims of the '850 Patent, including but not limited to its Dropbox file hosting product and services.

105. As a non-limiting example, Defendant has infringed Claims –1, 4, 5, 6, 8, 9, 10, 12, 13, 14, 16, 17, and 18 of the '850 Patent. Defendant, without authorization from Plaintiff, has marketed, used, tested, offered for sale, sold, and/or imported into the U.S., including within this District, its Dropbox file hosting service that infringes at least Claim 1, 4, 5, 6, 8, 9, 10, 12, 13, 14, 16, 17, and 18 of the '850 Patent.

106. As a non-limiting example, set forth below (with claim language in italics) is a description of infringement of exemplary Claim 10 of the '850 Patent in connection with Dropbox. This description is based on publicly available information. Plaintiff reserves the right to modify this description, including, for example, on the basis of information about Dropbox that it obtains during discovery.

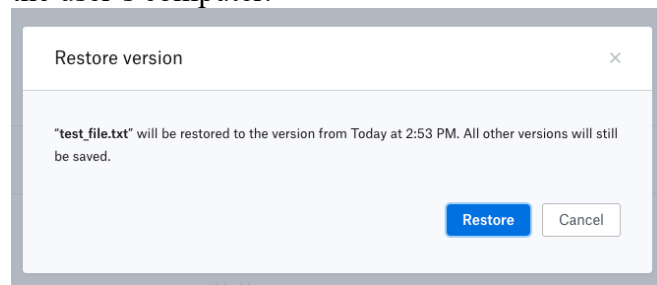
Claim 10

<p><i>A method of restoring a file to a previous version of the file, a current version of the file being available at a local storage location, comprising the steps of:</i></p>	<p>Dropbox provides a method for users to restore a file to a previous version from the current version. The current version of the file is stored locally on the user's computer.</p>
<p><i>(A) presenting information for a collection of one or more previous versions of the file, the information for the collection including information indicative of at least one or more of previous versions of the file, wherein a restorable representation of each version, V, of the previous versions, is retrievable from a remote storage</i></p>	<p>Dropbox maintains a version history of a given file, and displays the previous versions to the user via their computer interface. The previous versions are stored remotely from the user's computer on Dropbox's server. Each previous version presented in the version history is available for selection for previewing and/or restoring as the current version via the web interface. When selected for restoration, Dropbox</p>

<p><i>location, the restorable representation having at least information required for recovering the version V, the remote storage location being accessible through a network;</i></p>	<p>retrieves the selected previous version from the remote storage and restores the current version of the file to its previous version.</p> <p>https://blog.dropbox.com/topics/work-culture/file-version-history</p> 
<p><i>(B) responsive to a selection to preview a selected previous version of the file based on the presented information for the collection of (A), presenting a presentable representation of the selected previous version, the selected previous version being one of the previous versions of the file in the presented information for the collection, the presentable representation having at least information required for presenting at least a portion of the selected previous version;</i></p>	<p>Dropbox presents the user with the ability to preview each previous version and/or restore the previous version to the current version of the file. For each previous version that is clicked on by the user and selected for preview, a preview of at least a portion of the previous version of the file is rendered and presented on the user's browser.</p> 
<p><i>(C) responsive to a selection to restore the selected previous version, retrieving</i></p>	<p>Dropbox presents the user with the ability to preview each previous version and/or restore the</p>

the restorable representation of the selected previous version from the remote storage location and storing the selected previous version as the current version on the local storage location, the selected previous version available from the restorable representation of the selected previous version.

previous version to the current version of the file. When the user clicks the restore button to indicate its selection of the previous version, Dropbox then notifies the user that the selection is going to be restored unless the user wishes to cancel the restoration. If the user confirms the restoration, Dropbox retrieves the selected previous version from the Dropbox server and restores the current file back to the particular selected previous version. The restored file is then stored locally on the user's computer.



107. As described above, Defendant's products or services infringe the '850 Patent. . The Dropbox product/service consists of software and hardware components that interact and infringe the '850 Patent, and such software and hardware components are a material part of the claimed invention of the '850 Patent directed to data backup and retrieval. The Dropbox software and hardware components are not a staple article of commerce and lack a substantial non-infringing use (their ordinary and intended use is data backup and retrieval, which infringes as shown above). Plaintiff alleges that when the Dropbox software and hardware components are used in their ordinary and intended fashion, they will necessarily infringe the asserted claims.

108. Defendant's Dropbox service allows for restoring a file to a previous version of the file.

109. Defendant's Dropbox service maintains current version of files at a local storage location.

110. Defendant's Dropbox service maintains information for previous versions of files.

111. Defendant's Dropbox service allows for retrieving a version of files from a remote storage location.

112. Defendant has actual knowledge of Plaintiff's rights in the '850 Patent and details of Dropbox's infringement of the '850 Patent based on at least the filing and service of the original Complaint (Dkt. 1).

113. By the foregoing acts, including its testing and use of Dropbox, Defendant has directly infringed, literally and/or under the doctrine of equivalents, the '850 Patent in violation of 35 U.S.C. § 271.

114. Defendant has knowledge of the '850 Patent at least as of the filing and service of the original Complaint (Dkt. 1) in this case and continues to make, use, sell and offer for sale the accused products and or services. Defendant indirectly infringes the '850 Patent by active inducement under 35 U.S.C. § 271(b) and/or § 271(f). Despite being put on notice of its infringement as at least as early as the filing and service of the original Complaint (Dkt. 1) in this case, Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import accused products and/or services. Defendant has done so by acts including but not limited to selling accused products and/or services to its customers; marketing accused products and/or services; and providing instructions, technical support, and other support and encouragement (available at [{bidmatchtype}&_ad=481049217537|c&gclid=CjwKCAjwsfuYBhAZEiwA5a6CDH7LWOF0sZYd2pMawabmS6TO2QU2HCVxyiQo6Rm-KYIsFjTNRFr3phoCpJAQAvD_BwE](https://www.dropbox.com/features/cloud-storage/computer-backup?tk=paid_sem_goog_indv_b&camp=1520910855&kw=dropbox%20computer%20backup), or <https://help.dropbox.com/delete-restore/recover-older-versions>, or <https://learn.dropbox.com/self-guided-learning/dropbox-fundamentals-course/>, for instance) for

the use of accused products and/or services to provide data back up and retrieval, with knowledge of the accused products and/or services infringement of the '850 Patent. Such conduct by Defendant was specifically intended to and actually resulted in direct infringement, including the making, using, testing, selling, offering for sale, and/or importation of accused products and/or services in the United States. Dropbox has knowledge at least as early as the filing and service of the original Complaint (Dkt. 1) in this case that its Dropbox product/service is especially made to infringe the '850 Patent as it is made specifically to perform infringing data backup and retrieval as claimed in the '850 Patent. Defendant's continued sales and instructions to customers to use its Dropbox product/service is willful infringement as such infringement is being instructed and thus conducted with full knowledge of the '850 Patent. Based at least on Plaintiff's infringement allegations in the Original Complaint (Dkt. 1), Dropbox knew or should have known that its conduct is infringing the '850 Patent and Dropbox is acting with specific intent to infringe the '850 Patent and to induce and contribute to the infringement of the '850 Patent by others. Defendant has knowledge of the '850 Patent as of the filing and service of the original Complaint (Dkt. 1) in this case and continues to make, use, sell and offer for sale the accused products and or services. Defendant indirectly infringes by contributing to the infringement of, and continuing to contribute to the infringement of, one or more claims of the '850 Patent under 35 U.S.C. § 271(c) and/or 271(f) by selling, offering for sale, and/or importing into the United States, the accused products and/or services. Defendant knows by at least the date of the filing and service of the original Complaint (Dkt. 1) in this case that the accused products and/or services include hardware components and software instructions that work in concert to perform specific, intended functions. Such specific, intended functions, carried out by these hardware and software combinations, are a material part of the inventions of the '850 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

115. Upon information and belief, Defendant's infringement as of the filing of this case has, and continues to be, knowing, intentional and willful.

116. Defendant's acts of infringement of the '850 Patent has caused, and will continue to cause, Plaintiff damages for which Plaintiff is entitled to compensation pursuant to 35 U.S.C. § 284.

117. Upon information and belief, Defendant has gained profits by virtue of its infringement of the '850 Patent.

118. The circumstances surrounding Defendant's infringement are exceptional and, therefore, Plaintiff is entitled to an award of attorney's fees pursuant to 35 U.S.C. § 285.

DEMAND FOR JURY TRIAL

119. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff respectfully demands a jury trial of all issues triable to a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. A judgment and order adjudicating and declaring that Defendant has directly infringed the '478 Patent, literally or under the doctrine of equivalents;
- B. A judgment and order adjudicating and declaring that Defendant has indirectly infringed the '478 Patent by inducing and/or contributing to its customers' infringement.
- C. A judgment and order adjudicating and declaring that Defendant has directly infringed the '348 Patent, literally or under the doctrine of equivalents;
- D. A judgment and order adjudicating and declaring that Defendant has indirectly infringed the '348 Patent by inducing and/or contributing to its customers' infringement.
- E. A judgment and order adjudicating and declaring that Defendant has directly infringed the '850 Patent, literally or under the doctrine of equivalents;

- F. A judgment and order adjudicating and declaring that Defendant has indirectly infringed the '850 Patent by inducing and/or contributing to its customers' infringement.
- G. A judgment and order that Defendant must account for and pay actual damages (but no less than a reasonable royalty), to Plaintiff for Defendant's infringement of the '478 Patent, the '348 Patent and/or the '850 Patent, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment and an award of an ongoing royalty for Defendant's post-judgment infringement in an amount according to proof in the event that a permanent injunction preventing future acts of infringement is not granted;
- H. A determination that this case is exceptional under 35 U.S.C. § 285;
- I. A judgment and order awarding Plaintiff its reasonable attorneys' fees;
- J. A judgment and order awarding Plaintiff its costs, expenses, and interest, including pre-judgment and post-judgment, as provided for by 35 U.S.C. § 284;
- K. A judgment and order that Defendant's infringement at least as of the date of the filing and service of the original Complaint (Dkt. 1) in this case has been willful and an award of treble damages pursuant to 35 U.S.C. § 284 for post-filing sales of the accused products and/or services;
- L. A judgment and order awarding pre-judgment and post-judgment interest on each and every monetary award; and
- M. Granting Plaintiff any such other and further relief as this Court deems just and proper, or that Plaintiff may be entitled to as a matter of law or equity.

DATED: February 3, 2023

/s/ Alden G. Harris

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**ATTORNEYS FOR PLAINTIFF
DATANET LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record are being served with a copy of the foregoing document on February 3, 2023.

/s/ Alden G. Harris

Alden G. Harris